

REMARKS

[0003] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1, 3-18 and 37 are presently pending. Claims 1 and 37 are amended herein.

Statement of Substance of Interview

[0004] The Examiner graciously talked with me—the undersigned representative for the Applicant—on March 19, 2008. Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0005] During the interview, I discussed how the claims differed from the cited art, namely Boucher, Schaar and Hazra. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

[0006] I understood the Examiner to tentatively agree that independent claims 1 and 37 would be patentable over the cited art if amended as discussed during the interview. However, the Examiner indicated that he would need to review the cited art more carefully and do another search, and requested that the proposed amendments be presented in writing.

[0007] Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

Formal Request for an Interview

[0008] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0009] Please contact me or my assistant to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call to either of us as well. Our contact information may be found on the last page of this response.

Substantive Matters

Claim Rejections under § 103

[0010] Claims 1 and 3-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,675,387 to Boucher in view of U.S. Patent No. 6,785,334 to van der Schaar in further view of U.S. Patent No. 6,510,533 to Hazra in further view of U.S. Patent No. 7,039,113 to Soundararajan. Claim 37 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Soundararajan in view of Schaar. In light of the amendments presented herein and the agreements reached during the above-discussed Examiner interview, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

Overview of the Application

[0011] The Application describes a technology for encoding and transmitting an image at a lower than maximum quality and then improving the quality of the image or portions therein over time. The portions of the image being determined by ascertaining the amount of change being requested by the image source during the image generation.

Cited References

[0012] The primary reference cited in the Office Action consist of the following:

- U.S. Patent No. 6,675,387 to Boucher: Boucher describes a technology for preparing multimedia data using pre-rendering and encoding techniques that format the video image data into fat macroblocks.
- U.S. Patent No. 6,785,334 to Van Der Schaar: Schaar describes a technology for determining the number of transmission bits of SNR encoded and temporally encoded video data within a frame to balance image quality and object motion.
- U.S. Patent No. 6,510,553 to Hazra: Hazra describes a technology for streaming video from multiple sources over a network.
- U.S. Patent No. 7,039,113 to Soundararajan: Soundararajan describes a technology for selected decoding of enhanced video stream wherein a user identifies a portion of the image that the user wants to enhance the image.

Obviousness Rejections

Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)

[0013] Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a prima facie case have not been met.

[0014] **Independent claim 1** has been amended to recite a method of transmitting an image over a compressed video transport, as part of an image stream, comprising in pertinent part:

determining a portion of the image, a portion being less than the entire image, the portion being determined by changes occurring in the portion during image generation;

[0015] With specific reference to the claims, it does not appear that the cited reference discloses the above-identified elements of amended claim 1. Instead, the cited art appears to teach that the identified portion of the image enhanced is user selected. There is no teaching or suggestion that a portion of the image is determined by the amount of change being requested in the portion during the course of image generation.

[0016] The Examiner points to Soundararajan as teaching transmitting enhancement data for an image, wherein the portion of the image is less than the entire image. (See Action, page 4). Specifically, the Examiner points to Column 4,

lines 9-14 and lines 50-55 as teaching this element. These sections specifically state:

In accordance with this invention, a user is provided the option of identifying a region in the video image for selective enhancement of the image, as illustrated in FIG. 2. Note that, generally, selective MPEG processing of images is not feasible, because of the use of motion vectors 102 to reduce bandwidth requirements.

...

If the current macroblock is within the enhancement region 250, the enhancement-layer bit stream from the VLD 120 corresponding to this macroblock is forwarded to the inverse DCT device 124, to provide the enhanced information for combining with the base-layer video data 121.

[0017] As can be seen, the selected portions of the image in Soundararajan are user selected. Soundararajan goes further to state that it is typically not feasible to selectively process MPEG images. Soundararajan does not determine portions of the image to enhance based upon the change being requested in the portion by the image source during the course of the image generation.

[0018] Independent claim 1 has been amended to clarify that a portion of the image stream is determined by an amount of change occurring in the portion during the course of the image generation. The portion of the image is not predefined by the user, as it is in Soundararajan. Instead, the image portion is dynamically determined during the generation of the image. As such, the combined cited art does not teach or suggest determining the portion of the image to enhance dynamically while the image is being generated.

[0019] As each and every element of independent claim 1, Applicant would respectfully request the withdrawal of the rejection of this claim.

[0020] **Dependent claims 3-18** depend from an allowable base claim. As such, each of the dependent claims is also in proper form for allowance. In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

[0021] **Independent claim 37** has been amended to recite in pertinent part a method of transmitting an image over a compressed video transport, as part of an image stream, comprising:

identifying first and second portions of the image by utilizing changes occurring in the first and second portion during image generation

[0022] As discussed with reference to independent claim 1, the cited art fails to teach the identification of portions of the image utilizing the amount of change occurring in the first and second portions in the course of image generation. Soundararajan teaches that a user selects portions of the image to enhance, but is silent to the dynamic selection of the image during the generation of the image. As such, independent claim 37 is not rendered by the cited art.

[0023] Applicant respectfully requests the withdrawal of the rejection of independent claim 37.

Conclusion

[0024] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call/email me or my assistant at your convenience.

Respectfully Submitted,

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